

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-08-00004

DATE: June 23, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: None Present

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 9:08:02 - 9:34:20
9:55:01 - 10:21:44
2:12:13 - 3:27:25
3:41:54 - 4:52:54

APPEARANCES:

Defendant: Eun Young Lee
Marcelino Laserna
John Duenas
Mary Garcia
Joseph Pangelinan
Francisco Kawamoto
Margaret Untalan

Attorney: Richard Arens
Mark Smith
Cynthia Ecube
Leilani Lujan
Louie Yanza
Stephanie Flores
Rawlen Mantanona

Present Custody Bond P.R.

Present Retained FPD CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter: Sung Woo Yoon

Language: Korean

PROCEEDINGS: Jury Trial - Day 11

- Court finds Government in violation of Rule 16 as to Lee, Laserna and Kawamoto. Defense counsel to submit brief re appropriate sanctions.
- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Motion to strike testimony of Young Nam Kim taken under advisement. Parties may file appropriate briefs.
- As to testimony of Ms. Ritter, court ordered that an attorney be appointed to represent her.
- Jury Trial (Day 12) continued to: June 24, 2008 at 9:00 AM

NOTES:

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
						DESCRIPTION OF EXHIBITS* AND WITNESSES	
						9:08:08 - Begin Day 11 - June 23, 2008	
						9:10:00 - Discussion as to discovery issue.	
						Court finds that Government is in violation of Rule 16 as to Lee, Laserna and Kawamoto. As to remedy, government's use of information will be excluded from direct examination ; Laserna and Kawamoto's request for monetary sanctions, court takes issue under advisement.	
						Discussion as to status of witnesses	
						10:18:49 - Jurors seated	
						10:20:07 - Jurors excused for lunch	
						10:21:44 - Morning recess	
						1:35 - 2:09 - Chamber conference re status of witnesses	
						2:12:13 - Resume afternoon session	
						2:13:27 - Jurors seated	
						2:14:51 - Witness Young Nam Kim , called and sworn	
						2:15:40 - DX by Ms. Johnson	
50		6/9/08	6/23/08	6/16/08 6/10/08		50-1, 50-2, 502-3, 50-4, 50-5 - MVD file for - Young Nam Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections. (Frank Blaz)	
11		6/11/08	6/23/08	6/11/08		Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection	
						2:53:38 - CX by Mr. Mantanona	
50		6/9/08	6/23/08	6/16/08 6/10/08		50-1, 50-2, 502-3 - MVD file for - Young Nam Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections. (Frank Blaz)	
						3:08:03 - CX by Mr. Yanza	
11		6/11/08	6/23/08	6/11/08		Fraudulent ITIN letter given to Chun by Lee March 29, 2005, offered by Mr. Arens and admitted without objection	
						3:12:51 - CX by Mr. Arens	
Lee-D						Plea Agreement, Criminal Case No. CR- 06-00086, USA vs. Young Nam Kim, identified by Mr. Arens (Young Nam Kim)	
						3:27:25 - 3:41:54 - Afternoon break	
						3:42:07 - Jurors seated	
						3:43:05 - CX by Mr. Smith	
						3:46:04 - CX by Ms. Flores	
Lee-D						Plea Agreement, Criminal Case No. CR- 06-00086, USA vs. Young Nam Kim, identified by Mr. Arens (Young Nam Kim)	
						4:01:21 - Jurors excused - 10 minute recess	
						Ms. Flores makes oral motion to strike testimony of Ms. Kim. Court takes matter under advisement; counsel may submit briefs on the matter.	
						4:11 - Witness Kim excused	
						4:12:54 - Witness Ji Yeon Choi Ritter , called and sworn	
						4:13:00 - DX by Ms. Johnson	
						4:20:00 - Jurors excused for the day; to resume 6/24/08	
						Court orders that witness be appointed an attorney.	
						4:52:44 - End day 11	